

Amendment No. 1 to HB3498

Garrett  
Signature of Sponsor

**AMEND Senate Bill No. 3410\***

**House Bill No. 3498**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting everything following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-128, is amended by deleting subdivision (a)(3) and substituting instead the following:

(a)

(3) The Air Pollution Control Board created by Tennessee Code Annotated, Section 67-201-104, shall promulgate rules providing conditions under which owners of motor vehicles that do not successfully complete an emissions test may apply for waivers or variances. Such rules may set appropriate conditions for such waivers that are consistent with federal as well as state law and consider the expenditures made by the owner in order to come into compliance.

SECTION 2. Tennessee Code Annotated, Section 55-4-130, is amended by deleting subsection (a) and substituting instead the following:

(a) Sections 55-4-101(d)(2), 55-4-104(d)(2), and 55-6-105(a)(9), shall only apply in those counties:

(1) That have been designated by the Air Pollution Control Board to have an inspection and maintenance program because it is necessary to attain or maintain compliance with national ambient air standards; or

(2) For which a resolution has been passed by the governing body of the county which specifically establishes an inspection and maintenance program for the county and the board approves such resolution as providing for a program that is consistent with the programs operated under subsection (1). The board may also oversee the implementation of such program to assure statewide consistency and

shall review such programs at least once every three (3) years. The implementation of §§ 55-4-101(d)(2), 55-4-104(d)(2), and 55-6-105(a)(9), shall be in a manner as to assure compliance with the Clean Air Act, 42 U.S.C. § 7401 et seq., and the Air Pollution Control Act, Title 68, Chapter 201, Part 1. All such counties implementing a vehicle inspection and maintenance program may only charge fees that are directly related to the county's cost of establishing and implementing the vehicle inspection and maintenance program.

SECTION 3. Tennessee Code Annotated, Section 55-4-130(b), is amended by deleting the following words and punctuation:

If deemed advisable to promote reciprocity and to coordinate fully the motor vehicle emission plan, the state, if it has been requested to implement §§ 55-4-101(d)(2), 55-4-104(d)(2), and 55-6-105(a)(9) by the counties named in subsection (a),

and by substituting instead the words, "For purposes of this section, the state or county".

SECTION 4. Tennessee Code Annotated, Section 55-4-130(c), is amended by deleting such subsection and substituting instead the following:

(c) The rules promulgated by the Tennessee Air Pollution Control Board shall provide that, with respect to any fleet of motor vehicles owned or leased by any manufacturer of motor vehicles located in any county designated in subsection (a) of this section, such manufacturer shall be allowed to provide its own vehicle inspection and maintenance program so long as such vehicle inspection and maintenance program meets the standards required by the board.

SECTION 5. Tennessee Code Annotated, Title 68, Chapter 201, Part 1, is amended by adding the following as a new, appropriately designated section:

Section \_\_\_\_\_. The Tennessee Air Pollution Control Board shall promulgate rules that:

(a) Specify the type of vehicle inspection and maintenance program to be established and implemented; and

(b) Establish that the inspection associated with the vehicle inspection and maintenance program will occur on an annual basis in connection with vehicle registration renewal.

SECTION 6. Tennessee Code Annotated, Title 68, Chapter 201, Part 1, is amended by adding the following as a new, appropriately designated section:

Section \_\_\_\_\_. It is unlawful for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under the federal Clean Air Act, 42 U.S.C. §§ 7401 et seq., prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.

SECTION 7. Tennessee Code Annotated, Section 68-201-102(2), is amended by inserting a period after the words "chimney outlets from any of the foregoing" and deleting the remainder of the subsection.

SECTION 8. Tennessee Code Annotated, Section 68-201-203, is amended by deleting such section in its entirety.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.